ORDINANCE NO. 2016-09

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 10, PERSONNEL, ARTICLE IV, RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS, DIVISION 3, RETIREMENT SYSTEMS AUTHORIZED, SEC. 10-149 ENTITLED "GENERAL EMPLOYEES RETIREMENT PLAN AND TRUST"; AMENDING THE DEFINED CONTRIBUTION PLAN AND TRUST ADOPTION AGREEMENT CONTAINED IN EXHIBIT "B-1a"; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Retirement Plan and Trust for the General Employees of the City was established on January 1, 1996, and re-established on October 1, 2001 as set forth in Section 10-149 of the City Code; and

WHEREAS, the Plan and Trust Agreement authorizes the City Council to amend the Plan and Trust Agreement, in whole or in part, either retroactively or prospectively, by delivering to the Trustee a written amendment to same; and

WHEREAS, in conjunction with the contracting of law enforcement services with the Palm Beach County Sheriff's Office and in lieu of the continued operation of a municipal police department, the City Council desires to amend the Plan and Trust by altering the circumstances under which a plan participant may become one hundred percent (100%) vested in the participant's Participating Employer Non-elective Contributions and Employer Matching Contributions; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 10, Article IV, Division 3, Section 10-149, of the Greenacres City Code entitled "General Employees Retirement Plan and Trust" is hereby amended as follows:

ARTICLE IV. RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS

Sec. 10-149. General Employees Retirement Plan and Trust.

(a) A retirement plan and trust for the general employees of the City of Greenacres is hereby established, effective the 1st day of January, 1996. Said plan and trust is hereby re-established effective October 1, 2001, to include the Plan and Trust components of a 401(a) Defined Contribution Plan and 457(b) Deferred Compensation Plan as provided by the Florida Municipal Pension Trust Fund. The instruments which represent the terms of said re-established plan and trust include the Trust Joinder Agreement for Defined Contribution Plans under Florida Municipal Pension Trust Fund Master Trust Agreement (Exhibit "A-1"), Trust Joinder Agreement for Deferred Compensation Plans under Florida Municipal Pension Trust Fund Master Trust Agreement (Exhibit "A-2"), Florida Municipal Pension Trust Fund 401(a) Defined Contribution Plan Adoption Agreement (Exhibit ~~"B-1"~~ "B-1a"), Florida Municipal Pension Trust Fund 457(b) Deferred Compensation Plan Adoption Agreement (Exhibit "B-2"), the Florida Municipal Pension Trust Fund 401(a) Defined Contribution Plan (Exhibit "C-1"), the Florida Municipal Pension Trust Fund 457(b) Deferred Compensation Plan (Exhibit "C-2"), the Florida Municipal Pension Trust Fund, Master Trust Agreement (Exhibit "D" together with the first amendment thereto) and the Investment Policy (Exhibit "E") will be and remain exhibits to this section, and are hereby remanded to the custody of the city clerk who will maintain such for public inspection.

Section 2. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "ordinance" may be changed to "Section", "Article" or another word.

Section 4. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 19th day of January, 2016.

PASSED AND ADOPTED on the second reading this ___ day of _____, 2016.

_____ _____ ( )

Samuel J. Ferreri
Mayor

Jonathan G. Pearce
Deputy Mayor

Attest:

_____ _____ ( )

Denise McGrew
City Clerk

Lisa Rivera
Councilwoman, District I

_____ ( )

Peter Noble
Councilman, District II

_____ ( )

Judith Dugo
Councilwoman, District III

_____ ( )

Paula Bousquet
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

_____

James D. Stokes
City Attorney